

Serial No:10/688053
Docket No: Rennich-001

REMARKS

As required by the examiner, applicant submits herewith in accordance with 37 CFR 1.121(d) a replacement sheet of drawings including an additional Figure 5 illustrating a perspective view of the alternate embodiment of pins 24 and 26 illustrating the bridge portion 32 bent at a mid point.

Claims 1-20 have been canceled and claims 21-34 are presented.

Claims 1-3, 7, 9 and 11 stand rejected under 35 USC 102(b) as being anticipated by Hopkins (USPN 4,458,681).

Claims 4-5, 8, 12, 14, and 16-19 stand rejected under 35 USC 103(b) as being unpatentable over Hopkins in view of Yoon (USPN 5,620,452).

Claim 1, 10 and 20 stand rejected under 35 USC 103(a) as being unpatentable over Chevalier (French Patent 2,598,905) in view of Yoon.

The Hopkins reference discloses a stomach clamp comprising a pair of members 10 and 12 which extend across a stomach and which are attached to one another by inserting pins 22 into cooperating holes 14 and 15. The members 10 and 12, coupled together, operate to divide and reduce the amount of space in the stomach. The pins 22 are not capable of being selectively and temporally disengaged from the members 10 and 12 to increase the amount of space in the stomach.

Serial No:10/688053
Docket No: Rennich-001

Yoon discloses a surgical clip for constricting anatomical vessels and which includes a two opposed arms 16 and 18 which extend from opposite ends of a base member 14 to form a generally V-shaped clip 10. The clip further includes a plurality of tissue penetrating staples 40, 42, 44 and 46 which are caused to penetrate the vessel to which the clip is attached and to be received by a plurality of cooperating holes 28, 30, 32 and 34. The clip 10 of Yoon, by its shear construction, is not usable as an exteriorly attached penis clamp for selectively controlling the discharge of urine through a penis. The staples 40, 42, 44, and 46 would be required to penetrate the penis causing extreme damage to penis. In addition, the clip is not selectively removable from the vessel by removal of one of the plurality of staples 40, 42, 44, and 46 to allow fluid passage therethrough and then reattached to the vessel to prevent the passage of fluid.

Chevalier discloses a device for interrupting the flow of a fluid in a duct with a flexible wall, in particular a hollow viscus such as a blood vessel by squashing, comprises two jaws 1, 2 each delimiting a surface 3 for bearing on the duct 4 and means for locking the two jaws with respect to each other in a clamping position. These locking means comprise two rods 5 solidly attached at one of their ends to the jaw 2 and adapted in order to perforate via their other end, the duct 4 in order to pass through it so as to be received and held in the jaw 1, thereby keeping the duct 4 squashed. This device is capable of being implanted permanently into an organism in order to interrupt any flow in the duct 4 once and for all. As in Yoon, the device of Chevalier surgically and permanently attached to a vessel and requires the penetration of the vessel for the attachment thereof.

Serial No:10/688053
Docket No: Rennich-001

The device of Chevalier cannot be selectively disengaged from the vessel to allow fluid passage therethrough and then reengaged to prevent the passage of fluid.

Claim 1 has been rewritten in part in claim 21. Claim 21, as recited above overcomes the 35 USC 102(b) rejection and the 35 USC 103(a) rejection as it includes the following limitation, which is not anticipated by Hopkins or made obvious by Chevalier in view of Yoon:

said pair of clamping members being secured together at said opposed ends by said pair of pins and about said penis to apply a predetermined clamping force to said penis to prevent the passage of urine therethrough, and one of said pins being selectively disengaged from one clamping member to allow the passage of urine through said penis and then being reengaged to prevent passage of urine.

Claims 22-28 as recited above add additional features to independent claim 21 and thus are submitted to be a-fortiori, patentable

Claim 29 as recited above is not anticipated or made obvious by Hopkins, Yoon or Chevalier singularly or in combination as it recites the following features:

a pair of clamping members each having opposed ends and a mid portion extending between the opposed ends, said pair of clamping members being arranged generally parallel and about said penis with said opposed ends extending past the width of said penis and with said mid portion of each clamping member in contact with said penis;

Serial No:10/688053
Docket No: Rennich-001

a pair of pins;

said pair of clamping members being secured together at said opposed ends by said pair of pins and about said penis to apply a predetermined clamping force to said penis to prevent the passage of urine therethrough, and one of said pins being selectively disengaged from one clamping member to allow the passage of urine through said penis and then being reengaged to prevent passage of urine; and

wherein said pair of pins are non-piercing or non-puncturing to said penis.

Claims 30-34 as recited above add additional features to independent claim 29 and thus are submitted to be a-fortiori, patentable.

In view of the above, it is respectfully submitted that:

Claims 21-34, recite distinctions that are of patentable merit under 35 USC 102(b) and 35 USC 103(a) for the independent claims and thus for each dependent claim as well.

Claims 21-34 are in condition for allowance. Reconsideration and withdrawal of the rejections are requested. Allowance of claims 21-34 at an early date is solicited.

Respectfully submitted:



Stephen Lewellyn

Date: 1-4-2005

Agent (Reg. No. 51,942)
933 Oleander Way South, Suite 3
South Pasadena, FL 33707
(727) 345-14150